

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KINTETSU WORLD EXPRESS (U.S.A.), INC.,

Plaintiff,

-against-

ORDER

21-CV-9579 (JHR) (JW)

DIALECTIC DISTRIBUTION LLC,

Defendant.

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JENNIFER E. WILLIS, United States Magistrate Judge:

The Court is in receipt of Plaintiff's letter motion requesting a conference on discovery issues and Defendant's response. Dkt. Nos. 70–71. The request for an extension is GRANTED. Fact discovery is due by **July 1, 2024**.

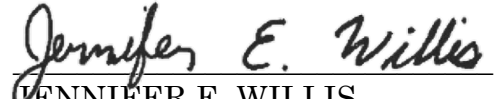
Both letters also discuss difficulties scheduling witness depositions. See id. Defendant attempts to justify its lack of participation by stating it “hoped” a ruling on the motion to dismiss in its favor “would have obviated the need to conduct further discovery” and asks for a stay of discovery until there is a ruling. Dkt. No. 71. Defendant is reminded that a pending motion to dismiss does not constitute a stay nor does it absolve Defendant of its obligations to comply with discovery. In fact, Defendant's mere asking for a stay of discovery indicates it was well aware that no such stay existed, and discovery should have been ongoing. As for Defendant's belated request for a stay of discovery, that request is DENIED.

The Parties are expected to comply with all discovery obligations and appear for an in-person conference on **July 2, 2024**. This conference shall be adjourned if the Parties are making progress on concluding discovery as evidenced by a joint letter

to be filed **June 27, 2024**. Otherwise, the Parties should be prepared to discuss any outstanding disputes identified in the letter at the in-person conference.

SO ORDERED.

DATED: New York, New York
May 28, 2024


JENNIFER E. WILLIS
United States Magistrate Judge